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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/719,324   | 11/20/2003  | Takeshi Tsuji        | FP03-149US          | 2635             |
| 1218   | 7590        | 04/07/2005           | EXAMINER            |                  |
| CASELLA & HESPOS<br>274 MADISON AVENUE<br>NEW YORK, NY 10016 |             |                      | LUEBKE, RENEE S     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2833                |                  |

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/719,324 | <b>Applicant(s)</b><br>TSUJI & ICHIO & OKAMOTO |  |
|                              | <b>Examiner</b><br>Renee S. Luebke   | <b>Art Unit</b><br>2833                        |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2833

1. The substitute title and drawing sheets are appreciated and have been entered.
2. The disclosure is objected to because in a number of additional places in paragraphs 44-47 "21" should be -21B-. Appropriate corrections are required.
3. Claim 1 is objected to because on line 18, it appears that "defining" should be changed to -defines-. Appropriate correction is required.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-4 remain rejected under 35 U.S.C. 102(b) as being anticipated by Douty, et al. This connector comprises a housing 5 and a two-part cover 12, 14. The covers each comprise a butting wall with an engaging projection 44 and a locking piece 36. The engaging projections are formed inwardly from the wall edge, thereby forming temporary holding surfaces. A "portion of an outer surface of said butting wall" defines "an outwardly open temporary surface" as seen by the open area above engaging projection 46 in Fig. 1. In addition, in order to operate, this cover inherently must have a sufficiently open space to allow deflection of the locking piece as claimed. Although operation may be more difficult than that of the present invention, as is argued by applicant, it is not impossible. The degree of difficulty in operating the prior art or the invention is not a feature of the claims, and therefore cannot be used to distinguish one from the other.
6. Claims 5, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Schnell. This cover is for protecting wires extending from a housing 16, and comprises a lock 48 for mounting a corrugate tube 18, and a

Art Unit: 2833

wire guide 24. As seen in the figures the inner diameter of the guide is smaller than the inner diameter of the tube. Contrary to applicant's assertions, these claims do not require that the cover comprise a pair of half covers. In regard to claim 8, it is noted that at least a portion, in fact a large majority, of the wire guide is between the lock and the housing.

7. Claim 6 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Schnell in view of Sumida. Sumida shows the well-known technique of forming a cover from a pair of half covers having locking mechanisms. Such an arrangement allows the cover to be added or replaced on wires that are connected at both ends. For the same reason, it would have been obvious to form the cover of Schnell from two half covers.

Applicant argues that "Schnell requires the simple axial telescoping movement of two tubular members" and would be complicated "if one of those tubular members were cut longitudinally." This is not seen to be the case. Axial insertion is not a requirement for the device of Schnell, as suggested by applicant. The arrangement of Schnell would operate equally well if the cover were two members as taught by Sumida and merely placed around the inner parts. It is noted that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

8. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2833

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. It is suggested that responses to this final action be faxed to:  
(703) 872-9306

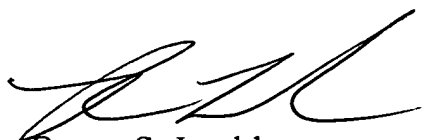
Please refrain from sending a confirmation copy, as noted in 37 CFR 1.6(d) and 1.8(b).

Alternatively, responses may be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (571) 272-2009. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (571) 272-2800, extension 33.



Renee S. Luebke  
Primary Patent Examiner  
April 4, 2005